

REMARKS-General

1. The newly drafted independent claim 72 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 72-78 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 65-71 under 35USC103

2. The Examiner rejected claims 65-71 over Smith (US 2,361,506) in view of Laguerre (US 3,255,501). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

3. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

4. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Smith which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Laguerre at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

5. The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant invention and the primary prior art, Smith, are obvious in view of the supplemental cited art, Laguerre, we have to identify all the differences between the claims of the instant inventions and Smith. The applicant respectfully identifies the differences between the claims of the instant invention and Smith as follows:

(a) In claim 72, “a plurality of **elongated slits** spacedly and inclinedly cut along two longitudinal edges of the tail portion of the binding member” is claimed to form a plurality of locking teeth respectively, wherein Smith merely teaches the notches 19 are formed along the edge of the strap without any mention of any slits cutting on the binding member. As shown in Fig. 1 of Smith, each of the notches 19 along the strap has a triangular shape which is totally different from the structure of the elongated slit.

(b) In claim 72, “each of the locking teeth has **two parallel guiding edges** each having an outer end formed at the longitudinal edge of the tail portion of the binding member and an inner end inclinedly and inwardly extended on the binding member” is claimed, wherein Smith merely teaches the notch, having a triangular shape, has a horizontal edge and a slanted edge by only illustrating the notch in Fig. 1 of Smith. In other words, Smith does not itself teach the concept of two parallel guiding edges of each of the elongated slits. The triangular notch cannot have two parallel edges.

(c) In claim 72, “each of the elongated slit has a **uniform width** from the outer end to the inner end” is claimed to configure the locking tooth, wherein Smith does not mention any notch has a uniform width formed at strap. The applicant respectfully submits that the elongated slit is not equivalent to the notch having a triangular shape taught by Smith.

(d) In claim 72, “the locker slot, having a triangular shape, has an **adjacent edge** substantially larger than a width of the binding member and has a **width gradually increasing towards the head end of the binding member**” is claimed to configure the locker slot, wherein Smith does not teach the perforation 14 has a triangular shape and how such slot incorporating with the elongated slit. Accordingly, Smith merely discloses a variety of perforation, such as V-shape or circular aperture, to engage with the notch

without any mention of any elongated slit engaging with triangular locker slot. In other words, Smith does not disclose the structural relationship between (i) the transverse width of the locker slot and the width of the holding neck portion of each of the locking teeth, and (ii) the width of the locker slot and the transverse width of the locker slot and a thickness of the binding member. Even in the drawings of Smith cannot illustrate how the perforation structurally engaging with the notch via the width and the transverse width of the perforation.

(e) Smith fails to anticipate “the tail portion of the binding member is **twisted** to align with the adjacent edge of the locker slot” as claimed in claim 72, wherein Smith merely teaches the strap penetrating into the perforation. The applicant respectfully submits that by configuring the locker slot to have a transverse width larger than a width of the binding member, the user must twists the tail portion of the binding member to align with the adjacent edge of the locker slot in order to slide the tail portion of the binding member through the locker slot. However, Smith is silent about such important concept. It is apparent that Smith fails to teach and anticipate the same recitation and limitation in the claim 72 of the instant invention of twisting the tail portion of the binding member to substantially align with the adjacent edge of the locker slot.

(f) In claim 72, “a holding neck portion of the corresponding locking tooth is locked at the locker slot by a transverse width thereof at a position that the adjacent edge of the locker slot is engaged between the guiding edges of the respective elongated slit” is claimed, wherein Smith merely teaches, in Fig. 1, the perforation is locked at the horizontal edge of the notch only. The applicant respectfully submits that the engagement of the elongated slit is totally different from that of the notch taught by Smith to obtain the **unexpected result of using the elongated slit**. Fig. 1 of Smith illustrates the horizontal edges of the notch are blocked at the perforation to prevent the strap sliding out from the perforation. However, the notch cannot block the forward sidling movement of the end of the strap within the perforation. On the other hand, the elongated slit of the instant invention is adapted to block both the forward and backward sliding movements of the tail portion of the binding member at the locker slot. It is because when the elongated slit engages with the locker slot, the adjacent edge of the locker slot is sandwiched between two guiding edges of the slit. In other words, the elongated slit of the instant invention substantially limits any unwanted lateral movement

of the tail portion of the binding member at the locker slot unless the tail portion of the binding member is intentionally twisted to align with the adjacent edge of the locker slot.

(g) Smith fails to teach “the guiding width of the locker slot at least equals to the width of the binding member” as claimed in claim 73 in addition to what is claimed in claim 72 as a whole. Smith merely discloses a variety of perforation, such as V-shape or circular aperture, in the drawings, without illustrating the guiding width of the perforation at least equal to the width of the strap.

(h) Smith does not teach “the **guiding edge of the elongated slit** is extended inclinedly at a direction corresponding to an inserting direction of the tail portion of the binding member as claimed in claims 74-75 in addition to what is claimed in claim 72 as a whole.

(i) Smith fails to teach “the tail end of the binding member has a tapered shape having a width substantially smaller than the **transverse width** of the locker slot” as claimed in claims 76 to 78 in addition to what is claimed in claim 72 as a whole. Smith fails to teach such concept of the width of the tapered tail end of the binding member being smaller than the transverse width of the locker slot.

6. Whether the claims 72 to 78 as amended of the instant invention are obvious depends on whether the above differences (a) to (i) between the instant invention and Smith are obvious in view of Laguerre at the time of the invention was made.

7. Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

8. Laguerre merely teaches the hooking opening of a resilient strap fastener comprising a portion 8a being separated from a portion 8b by two bosses 9, 10 without any suggestion of the triangular hooking opening incorporating with the elongated slit. In fact, the hooking opening of Laguerre is not triangular shape. The applicant respectfully submits the locking teeth are formed by a plurality of cuts inclinedly cutting along two longitudinal edges of the tail portion of the binding member respectively. Accordingly, Fig. 1 shows the thickness of the binding member and Fig. 5 shows the width of the locking tooth. The width of each of the locking teeth is smaller than the thickness of the binding member. Furthermore, neither Smith nor Laguerre suggests a structural relationship between the triangular shaped locker slot with the elongated slit to obtain an unexpected result.

9. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." In re Gorman, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

10. Accordingly, the applicant believes that neither Smith nor Laguerre, separately or in combination, suggests or makes any mention whatsoever of the difference subject features (a) to (i) as claimed in the claims 72-78 of the instant invention.

11. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

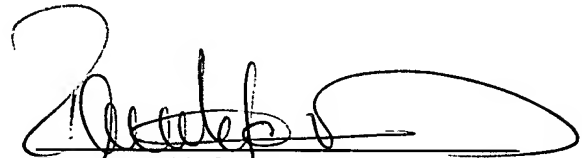
The Cited but Non-Applied References

12. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

13. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 72-78 at an early date is solicited.

14. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave.
Suite 128
Monterey Park, CA 91754
Tel.: 1-626-571-9812
Fax.: 1-626-571-9813

CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date:

April 19, 2006

Signature:

Person Signing: Raymond Y. Chan

